

REMARKS

Applicants respectfully request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 25-47 are pending in the present application. Claim 25 is the independent claim. Claim 25 has been amended.

Applicants have timely filed a Request for Continued Examination (RCE) along with this Amendment, including the filing fee as set forth in 37 CFR 1.17(e). Accordingly, Applicants respectfully request that the Examiner withdraw the finality of any Office action and enter this Amendment for consideration under 37 CFR 1.114.

I. Interview

Appreciation is expressed to the Examiner for the telephone interview granted by the Examiner on September 19, 2007. During the interview, further amending independent claim 25 to overcome the cited prior art was discussed. Based on this discussion, the Examiner and Applicants' representative were able to come to an agreement regarding wording of claim 25 that would be sufficient to overcome the cited prior art. Accordingly, Applicants have submitted the following amendments and remarks in accordance with this discussion. Other points raised during the interview are also included in the comments below.

Applicants would also like to point out that, based on an interview with the previous Examiner, allowable claims, as presented in the Amendment filed October 26, 2006, had already been agreed upon.

II. Rejections under 35 U.S.C. §§ 102/103

In the Office Action, at pages 3-5, claims 25-32, 40, and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, as being unpatentable over Greenberg et al. (U.S. Patent No. 6,751,498).

Greenberg et al. does not discuss or suggest:

a detector to detect heart beats of the fetus, the detector including at least two electrodes placed on the abdomen of the mother for detecting ECG signals; and

a processor, coupled to the detector, to process only the ECG signals received from the at least two electrodes to determine the heart rate of the fetus,

as recited in amended claim 25. In other words, the invention of claim 25 provides for the electrodes of the detector to be placed on the abdomen of the mother and for the processor to process *only* the ECG signals received from the electrodes. Greenberg et al. is directed to an apparatus and method for non-invasive, passive fetal heart monitoring. In contrast to claim 25, Greenberg et al. utilizes both chest and abdominal ECG electrodes to determine the fetal and/or maternal ECG.

Since Greenberg et al. does not discuss or suggest all of the features of amended claim 25, claim 25 patentably distinguishes over Greenberg et al. Accordingly, withdrawal of the § 102(e)/103(a) rejection is respectfully requested.

Claims 26-32, 40, and 42 depend either directly or indirectly from amended independent claim 25, and include all the features of claim 25, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 26-32, 40, and 42 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(e)/103(a) rejections is respectfully requested.

In the Office Action, at pages 5-7, claims 25-27, 30-32, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker (U.S. Patent No. 4,781,200).

Baker does not discuss or suggest:

a detector to detect heart beats of the fetus, the detector including at least two electrodes placed on the abdomen of the mother for detecting ECG signals; and

a processor, coupled to the detector, to process only the ECG signals received from the at least two electrodes to determine the heart rate of the fetus,

as recited in amended claim 25. In other words, the invention of claim 25 provides for the electrodes of the detector to be placed on the abdomen of the mother and for the processor to process *only* the ECG signals received from the electrodes. Baker is directed to an ambulatory non-invasive automatic fetal monitoring system. IN contrast to claim 25, Baker utilizes both chest and abdominal ECG electrodes to determine the fetal and/or maternal ECG.

Since Baker does not discuss or suggest all of the features of amended claim 25, claim 25 patentably distinguishes over Baker. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 26-27, 30-32, and 40-42 depend either directly or indirectly from amended independent claim 25, and include all the features of claim 25, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 26-27, 30-32, and

40-42 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at pages 7-9, claims 33-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Lewis et al. (U.S. Patent No. 6,115,624).

As discussed above, Baker does not discuss or suggest all of the features of amended claim 25, so that claim 25 patentably distinguishes over Baker. Lewis et al. fails to make up for the deficiencies in Baker. Specifically, Lewis et al. does not discuss or suggest:

a detector to detect heart beats of the fetus, the detector including at least two electrodes placed on the abdomen of the mother for detecting ECG signals; and

a processor, coupled to the detector, to process only the ECG signals received from the at least two electrodes to determine the heart rate of the fetus,

as recited in amended claim 25, so that claim 25 patentably distinguishes over Baker and Lewis et al.

Claims 33-41 depend either directly or indirectly from amended independent claim 25, and include all the features of claim 25, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 33-41 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

III. Allowable Subject Matter

In the Office Action, at page 9, claims 43-47 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, none of the cited prior art teaches all of the features of amended independent claim 25. Claims 43-47 depend either directly or indirectly from claim 25, and include all the features of claim 25, plus additional features that have been acknowledged as patentable by the Examiner. Therefore, claims 43-47 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these objections is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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